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PATENT APPLICATION
Mo6314
LeA 34,326



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
MARCO BUSCH ET AL)
SERIAL NUMBER: 09/847,081)
FILED: MAY 2, 2001)
TITLE: METHOD OF FINDING MODULATORS)
OF ENZYMES OF THE CARTOENOID)
BIOSYNTHETIC PATHWAY)

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This paper is in response to a NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, dated October 18, 2001 (hereinafter "the October 18th Notice") and to an apparently identical NOTICE issued November 30, 2001 (hereinafter "the November 30th Notice"). Applicants assume that the latter was sent in error, and that the October 18th Notice is controlling. Applicants respectfully requests a refund of any fees due if the November 30th Notice is deemed by the U.S. Patent Office to be controlling.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an enveloped addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 03/05/02

Date

Raymond J. Harmuth, Reg. No. 33,896

Name of applicant, assignee or Registered Representative

Signature

March 5, 2002

Date

A two month period for response was set in the October 18th Notice, bringing a response to be due on or before December 18, 2001. A three month petition for extension of time is being filed concurrently herewith, bringing a response to be due on or before March 18, 2002.

Also enclosed is a copy of the Notice as required including the Raw Sequence Listing Error Report that was attached thereto.

Please charge the three month for Extension of Time fee to Deposit Account Number 13-3848. The Commissioner is also authorized to charge any insufficiency of fees which may be required by this paper to Deposit Account Number 13-3848.

Correction of Sequence Listing

The October 18th Notice stated that although a copy of the Sequence Listing in computer readable form was submitted, the content of the computer readable form does not allegedly comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the marked-up Raw Sequence Listing attached to the October 18th Notice. The October 18th Notice stated that Applicants must provide a substitute computer readable form copy of the Sequence Listing and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter as required by 37 C.F.R. Section 1.821(e-g) and 1.825(b) and 1.825(d).

In response Applicants point out that there are 10 sequences in this case (see Sequence Listing Numeric Identifier <160>), but that the Raw Sequence Error Listing Report fails to include several pages of the Sequence Listing supplied with the application.

Applicants also point out that an amended Sequence Listing was provided in an Amendment filed July 31, 2001 in this case in response to a NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, dated June 4, 2001. Applicants simply note this point to ensure that the Office received and considered the Amendment filed July 31, 2001.

Applicants are now filing herewith yet another substitute Sequence Listing for
Mo-6314

Applicants are now filing herewith yet another substitute Sequence Listing for the nucleotide/amino acid sequence(s) in this application and 3.5 inch labeled diskette having thereon a substitute computer readable form copy of the substitute Sequence Listing. The attached diskette is labeled in accordance with 37 C.F.R. 1.824(a)(6) and is submitted in the American Standard Code for Information Interchange (ASCII) text.

Herein below is the requested statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing as required by 37 C.F.R. Section 1.821(g). Because this submission is made in fulfilling the requirement under 37 C.F.R. 1.821(g), also included herein below is a statement that the submission includes no new matter.


Statement that Sequence Listing and Computer Readable Copy Thereof Are the Same And That Papers Submitted Includes No New Matter

I, Raymond J. Harmuth, Esq., Registration No. 33,896 hereby state:

1. That I have been appointed an attorney of record in this case and being so identified in the attached Appointment being filed concurrently herewith;
2. That the substitute computer readable form being submitted concurrently herewith is identical to the written substitute Sequence Listing also being submitted concurrently herewith;
3. That the amendments made in the substitute sheets of the Sequence Listing being submitted herewith are supported in the application, as filed, and that the substitute sheets of the Sequence Listing do not include new matter.

Having complied with all of the outstanding requirements, Applicants request that the file be forwarded for examination.

Respectfully submitted,

By 
Raymond J. Harmuth
Attorney for Applicants
Reg. No. 33,896

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/847,081	05/02/2001	Marco Busch	Mo-6314/LeA 34,326

00157
BAYER CORPORATION
PATENT DEPARTMENT
100 BAYER ROAD
PITTSBURGH, PA 15205

COPY OF PAPERS
ORIGINALLY FILED

CONFIRMATION NO. 7196

FORMALITIES LETTER



OC000000006140568

Date Mailed: 10/18/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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BAYER CORPORATION
PATENT DEPARTMENT
100 BAYER ROAD
PITTSBURGH, PA 15205

**COPY OF PAPERS
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CONFIRMATION NO. 7196

FORMALITIES LETTER



OC000000007140236

Date Mailed: 11/30/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

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